

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KELLY M. BASSETT, individually and as
heir and Personal Representative of the
Estate of James M. Bassett, on behalf of
herself and all others similarly situated;

Plaintiff,

vs.

CREDIT MANAGEMENT SERVICES, INC.,
and JASON MORLEDGE,

Defendants.

8:17CV69

MEMORANDUM AND ORDER

This matter is before the Court on the findings and recommendation (“F&R”) of the magistrate judge, [Filing No. 122](#). After a fairness hearing on August 5, 2019, the Magistrate Judge recommended that the parties’ Joint Motion for Final Approval of Class Settlement ([Filing No. 117](#)) and the plaintiff’s Unopposed Motion for Approval of Plaintiff’s Incentive Award, Damages and Plaintiff’s Attorneys’ Fees and Costs ([Filing No. 112](#)) be granted. No objections have been filed to the findings and recommendation.

A district court reviews *de novo* those portions of a magistrate’s order that are objected to by a party. [Grinder v. Gammon, 73 F.3d 793, 792 \(8th Cir. 1996\)](#). “A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1). A district court may reconsider a magistrate judge’s ruling where it has been

shown that the ruling is clearly erroneous or contrary to law. *Ferguson v. United States*, 484 F.3d 1068, 1076 (8th Cir. 2007) (citing 28 U.S.C. § 636(b)(1)(A)).

The Court has reviewed the proposed class settlement and finds it is fair, reasonable and adequate and should be approved for the reasons stated in the Magistrate Judge's F&R. Accordingly,

IT IS ORDERED:

1. The parties' Joint Motion for Final Approval of Class Settlement ([Filing No. 117](#)) is granted.
2. The parties' proposed order, attached to the F&R as Attachment B, is approved and incorporated herein as if fully set forth; and
3. The plaintiff's Unopposed Motion for Approval of Plaintiff's Incentive Award, Damages and Plaintiff's Attorneys' Fees and Costs ([Filing No. 112](#)) is granted.
4. Plaintiff is awarded \$135,000.00 in costs and attorney fees.
5. A judgment in accordance with this Memorandum and Order will issue this date.

Dated this 9th day of September, 2019.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge